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Kunzler & Associates
8 East Broadway
Suite 600
Salt Lake City, UT 84111
Phone (801) 994-4646
Fax (801) 531-1929

FAX COVER SHEET

Date: January 3, 2006
Fax: (571) 273-8300
To: U.S. Patent and Trademark Office
From: Brian C. Kunzler
Re: 10/608,872

Number of Pages including cover: 20

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Comments:

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Please type a plus sign (+) inside this box → ☒PTO/SB/05 (12/97)
Approved for use through 6/30/05. OMB 0851-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL

Note: Effective October 1, 2004.
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$ 130

Complete If Known

Application Number

10/608,872

Filing Date

June 26, 2003

First Named Inventor

Richard H. Harris

Group Art Unit

2876

Examiner Name

Daniel I. Walsh

Attorney Docket Number

RPS920020124US1

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 50-0563

Deposit Account Name: IBM CORPORATION

☒ Charge Any Additional
Fee Required Under
37 CFR 1.16 and 1.17☐ Charge the Issue Fee
in 37 CFR at the Mailing
of the Notice of Allowance

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1011 | 300 | 2011 | 150 | Utility filing fee | |
| 1111 | 500 | 2111 | 250 | Utility search fee | |
| 1311 | 200 | 2311 | 100 | Utility examination fee | |
| 1084 | 250 | 2004 | 125 | Utility size fee for each additional 50 over 100 | |
| 1005 | 200 | 2005 | 100 | Provisional filing fee | |

SUBTOTAL (1)

\$ 0

2. CLAIMS

| Total Claims | Extra | Fee from below | Fee Paid |
|----------------------|-------|----------------|----------|
| -20 = | 0 | 50 | |
| Ind. Claims -3 = | 0 | 100 | |
| Multiple Dep. Claims | 0 | 350 | 0 |

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 60 | 2202 | 25 | Claims in excess of 20 | |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 | |
| 1203 | 380 | 2203 | 180 | Multiple dependent claim | |
| 1204 | 200 | 2204 | 100 | Reissue independent claims over original patent | |
| 1205 | 50 | 2205 | 25 | Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2)

0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2520 | 1812 | 2520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1840* | 1805 | 1840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1530 | 2254 | 765 | Extension for reply within fourth month | |
| 1255 | 2160 | 2255 | 1080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1510 | 1451 | 1510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive -unavoidably | |
| 1453 | 1370 | 2453 | 685 | Petition to revive - unintentional | |
| 1501 | 14000 | 2501 | 700 | Utility issue fee | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1503 | 1100 | 2503 | 550 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1801 | 790 | 2801 | 395 | Request for continued examination (RCE) (37 CFR 1.114) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |

Other fee (specify) 1814 Terminal Disclaimer Fee Under 37 CFR 1.20(d)

130

*Reduced by Basic Filing Fee

SUBTOTAL (3)

\$ 130

SUBMITTED BY

Typed or Printed Name

Brian C. Kunzler

Complete (if applicable)

Reg. Number

38,527

Signature


Date

Jan 3, 2006

Deposit Account
User ID

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| CERTIFICATE OF TRANSMISSION | |
| I hereby certify that this correspondence is being transmitted by fax to the U.S. Patent and Trademark office to fax number 703-672-9300 on January <u>3</u> , 2006. | |
| 571-273-8300  Attorney for Applicant | |

PATENT
Docket No. RPS9-2002-0124US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|---|---|------------|
| Applicant: | Richard H. Harris et al. |) | |
| | |) | |
| Serial No.: | 10/608,872 |) | |
| | |) | Group Art |
| Filed: | June 26, 2003 |) | Unit: 2876 |
| | |) | |
| For: | APPARATUS, METHOD, AND SYSTEM FOR POSITIVELY IDENTIFYING AN ITEM |) | |
| | |) | |
| Examiner: | Daniel I. Walsh |) | |

AMENDMENTS AND RESPONSE TO OFFICE ACTION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on November 2, 2005, Applicants respectfully request the reconsideration of the present application in view of the following remarks and amendments.